

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 WILLIE T. SMITH,

5 Plaintiff,

Case No. 3:20-CV-0501-JAD-CLB

ORDER

6 v.

7 AARON FORD, et al.,

8 Defendants.

9 Plaintiff filed a notice of appeal of the screening order. (ECF No. 11). The filing of
10 a notice of appeal is an event of jurisdictional significance - it confers jurisdiction on the
11 court of appeals and divests the district court of its control over those aspects of the case
12 involved in the appeal. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58
13 (1982) (citing *United States v. Hitchmon*, 587 F.2d 1357 (5th Circ. 1979)). The rule is
14 designed to avoid the confusion and waste of time that might flow from putting the same
15 issues before two courts at the same time. *Kern Oil v. Refining Co.*, 840 F.2d at 734.
16 Therefore, this case is hereby **STAYED** until the conclusion of the appeal. Plaintiff's
17 motion to be excluded from mediation (ECF No. 9) is **GRANTED** until the conclusion of
18 his appeal.
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21 Plaintiff also filed a motion to dismiss asking the court to dismiss his complaint so
22 that he may appeal the screening order. (ECF No. 10). This is procedurally improper as
23 granting the motion would end plaintiff's case in its entirety including his appeal.
24 Therefore, Plaintiff's motion to dismiss (ECF No. 10) is **DENIED without prejudice**.
25 DATED: June 22, 2021.
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UNITED STATES MAGISTRATE JUDGE